IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

LA.App..No. 718 of 2003(D)

LAR.180/2000 of ADDL.SUB COURT,PARAVUR
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APPELLANT: ADDL.2ND RESPONDENT:

KOCHI INTERNATIONAL AIRPORT SOCIETY,
ANGAMALY, REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.

RESPONDENTS: CLAIMANT & RESPONDENTS:
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1. **DEVASSY S/O. CHAKKAPPAN, PADAYATH HOUSE, NAYATHODE KARA, ANGAMALI VILLAGE, ALUVA TALUK.**

2. **STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM.**

BY ADV. SRI.A.X.VARGHESE for R1
BY GOVERNMENT PLEADER SMT. K.R. DEEPA for R2

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 22/10/2007 ALONG WITH L.A.A.NO.817 OF 2003 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. 718, 817, 864, 901, 925, 1264, 1391 & 1415 of 2003

4, 12, 15, 24, 34, 37, 79, 108, 120, 147, 223,

234, 644, 648, 694 & 846 of 2004

732 of 2005

Dated: October 22, 2007

JUDGMENT

Kurian Joseph, J.

These are appeals filed by the requisitioning authority as well as the State aggrieved by the fixation of land value in respect of the property acquired for the Cochin International Airport. The Reference Court has granted land value by granting 65% enhancement to the land value already fixed by the Land Acquisition Officer. According to the appellants and the second respondent, the enhancement is not reasonable; whereas the claimants contend that the enhancement is not sufficient. It is brought to our notice that in several cases this court has remitted the matter for fresh consideration by the Reference Court. It is seen from the judgment of the Reference Court that there is no proper discussion with regard to the evidence already available on record. The appellants as well as the respondents pray for an opportunity to adduce evidence before the Reference Court. We find that LAA No.1532/2005 has already been disposed of remanding the reference. It is submitted that several similar cases also have been remanded. In view of the submission as above and taking note of the fact that connected cases have already been remitted to

the Reference Court, we set aside the judgment and decree in all these cases and remit the matters to the Sub Court, North Paravur. The parties are at liberty to adduce fresh evidence. The parties will appear before the Reference Court on 3.12.2007.

In view of the order passed in these Land Acquisition Appeals, the relief sought for in the stay petitions need not be considered by this court. Accordingly, the stay petitions in the appeals are dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.Nos.718, 817, 864, 901,
925, 1264, 1391 & 1415 of 2003

4, 12, 15, 24, 34, 37, 79, 108,
120, 147, 223, 234, 644, 648, 694
& 846 of 2004

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JUDGMENT

22.10.2007